

1
2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE DISTRICT OF MARYLAND**

4 MARYLAND SHALL ISSUE, INC., *et al.*,)
5 *Plaintiffs,*)
6 v.) Case No. 8:21-cv-01736-TDC (L)
7) Case No. 8:22-cv-01967-DLB
8 MONTGOMERY COUNTY, MD.,)
9 *Defendant.*)

10 **SUPPLEMENTAL DECLARATION OF ELIYAHU SHEMONY**

11 COMES NOW, the declarant, ELIYAHU SHEMONY, and hereby solemnly
12 declares under penalties of perjury and states that based upon personal knowledge that the contents
13 of the following supplemental declaration are true:
14

15 1. My name is ELIYAHU SHEMONY, and I am named plaintiff in the above-
16 captioned matter. I am an adult over the age of 18, a Maryland resident and I am fully competent
17 to give sworn testimony in this matter.
18

19 2. I am a member and the former security director of the Magen David Sephardic
20 Congregation ("MDSC") synagogue in Rockville, Maryland. I served as the security director for
21 MDSC for nearly 20 years through the end of 2021.
22

23 3. Jewish communities, and especially religious institutions, are considered one of
24 the top targets for violent attacks by the United States Office of Homeland Security. This was
25 made abundantly clear by the deadly attacks on the Tree of Life Synagogue in Pittsburgh,
26 Pennsylvania as well as the Chabad Congregation in Poway, California. In addition, the number
27 of antisemitic incidents in Montgomery County has risen sharply over the past year, including
28 hateful and threatening graffiti less than half a mile from our synagogue's location.

1 4. As part of the security protocols we enacted at MDSC, I obtained a Maryland
2 wear and carry permit approximately five years ago. We felt that the ability to legally carry a
3 firearm in synagogue and outside was a necessary tool to protect our community. Upon being
4 granted the permit, I carried a firearm to all daily religious services during the week as well as on
5 the Sabbath (Saturday), including MDSC functions and trips taking place outside of the synagogue
6 and on days other than on the Sabbath.

7
8 5. In an email dated November 18, 2022, I was informed by the president of MDSC,
9 Mr. Elliot Totah, that since Montgomery County Bill 21-22 was passed, I was no longer allowed
10 to carry a firearm in the synagogue. A true and correct copy of that email is attached as Exhibit 1.
11 On November 18, 2022, I received a second email from Mr. Totah, explaining the reasons behind
12 his first email. A true and correct copy of that email is attached as Exhibit 2. On December 9,
13 2022 MDSC he also sent a memorandum to the MDSC Community which stated that because
14 of the enactment of Bill 21-22E, MDSC had decided to use metal detection wands at the
15 entrances "to ensure that we did not run afoul of the new legislation." A true and correct copy
16 of that MDS memorandum is attached as Exhibit 3.

17
18
19 6. The November 18 email stated that if I continued to carry a firearm to synagogue,
20 he would notify the police and have me arrested.

21 7. In this email, he specifically stressed the following points:

22 1) This was not a voluntary policy change for the synagogue, but rather a
23 reaction to the passing of Bill 21-22E and was put in place in order for the
24 synagogue to be in "full compliance" with the law;
25
26
27
28

3) If, at any future date, the court were to grant a Temporary Restraining Order (TRO), Temporary Injunction (TI), or strike down the law, Mr. Totah would reevaluate the decision.

9. The leadership of the synagogue refuses to amend this measure as long Bill 21-22 is in place, even though they are aware of the security risk it possesses, because Jewish law requires obedience to civil law. Exhibit 3.


ELIYAHU SHEMONY

From: etotah@oxbridgedev.com
To: "Eli Shemony"
Subject: Montgomery County - New Gun Control Legislation
Date: Friday, November 18, 2022 10:06:03 AM

Eli,

I hope you are doing well.

As you may have already seen in the weekly MDSC announcements, we've been forced to take new gun control legislation enacted by the Montgomery County Council very seriously. Since I believe you've brought firearms into MDSC in the past, I wanted to make sure you are familiar with the new law and its impact on your ability to do so moving forward. Due to liability and licensing requirements, our security company will require any individual who unlawfully brings a firearm into MDSC to leave the premises or they will call law enforcement—I really want to make sure it doesn't come to this.

If you'd like to discuss further, please let me know. Otherwise, please be sure that you attend MDSC services from now on without any firearms at the premises or on your person. This is not a policy decision on the part of the Board or any officer of the congregation—this is a new countywide law that we have no choice but to abide by.

Thank you and Shabbat Shalom,

Elliot Totah

The Oxbridge Group

Phone: 301-294-4150 ext 1

Web: www.oxbridgedev.com

1250 Connecticut Ave NW, Suite 700

Washington, DC 20036

EXHIBIT 1

From: [Elliot Totah](#)
To: [Eli Shemony](#)
Subject: Re: Montgomery County - New Gun Control Legislation
Date: Friday, November 18, 2022 4:03:24 PM

Eli,

I stand corrected. Based on updated guidance we just received from the office of the Attorney General, the County Executive still needs to sign this bill into law (which it appears he intends to do). We will maintain the status quo until and if the bill is signed into law at which time my original email to you will stand.

Elliot Totah
The Oxbridge Group
Sent from my iTotah

EXHIBIT 2

Magen David Sephardic Congregation *Beit Eliahu Synagogue*

The Sephardic Synagogue of the Nation's Capital

Shalom MDSC Community,

Last week we made an adjustment to our security protocol for all who enter the synagogue during Shabbat Shacharit and other larger gatherings. Our team of security professionals is now using a metal detection wand to ensure the safety of all those who pass through our doors. We wanted to explain this recent change and provide further insight into how it came about.

The introduction of the wand arose from the passage of new gun control legislation in Montgomery County on November 28, 2022 which prohibits anyone from carrying a gun in or around public places of assembly, including places of worship. The only exclusions are licensed security guards and individuals in law enforcement.

To ensure that we did not run afoul of the new legislation, we opted for the most halachically permissible method of enforcement: metal detection wands. This decision ensures that we respect *Dina D'malkhuta Dina*, the principle of obedience to civil law, as well as mitigates liability for the synagogue and our contractors.

In the event the law changes or is stayed/repealed, we will revisit our protocol. In the meantime, we appreciate everyone's cooperation in making Magen David as safe as possible. If you continue to have any halakhic concerns, please refer to the links below and note that a basket will be available to remove any metal items in your pocket prior to being wanded.

1. [Staying Safe And Secure: Are All Security Measures Permitted On Shabbos? - The Bais HaVaad Halacha Center](#)
2. [shabbos security wand | שאל את הרב | דין \(din.org.il\)](#)

Should you have any other questions, do not hesitate to contact us.

Thank you for your understanding.

Sincerely,

EXHIBIT 3

Elliot Totah, President
Frederic Richardson, Board Member & Chair of the Security Committee
Bernard Suissa, Board Member & Chair of the Religious Committee

Magen David Sephardic Congregation | 11215 Woodglen Drive, 301-770-6818, Rockville, MD
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